

And whereas, the said Will F. Clabaugh departed this life on or about the 13th day of April 1935 and by his Last Will and Testament, bearing date of June 11th, 1934 which after having been proven according to law, was duly accepted for probate by the Orphans Court for Jefferson County, State of West Virginia under date of April 19th, 1935, and recorded in Will Book, Page 447 of said county and state, and which, a copy of said will and testament, certified to by the seal of the Orphans Court of said county and state, was filed and duly accepted for probate by the Orphans Court for Frederick County Maryland under date of October 19, 1936, and recorded in Liber J.H. No. 1, one of the records of the Register of Wills for Frederick County Maryland, and which by virtue of said last will and testament, your Orator, Norman B. Clabaugh, only child and legal heir of said Testator, did inherit the hereinbefore described property.

SECOND: That your Orator has been in possession of the property involved since the death of his father and had no knowledge of the said contract of sale entered into by his said father until recently when a search of the title was made by a prospective purchaser and the discovery made.

THIRD: That since the discovery of the said contract of sale entered into by your Orator's father, and the said defendants, a diligent search has been made to locate the whereabouts of said defendants but to date, no information as to their identity or whereabouts has been forthcoming.

FOURTH: The said defendants, who were transients, as far as can be ascertained, after recording the contract of sale, among the land records of Frederick County, failed to make the payments as undertaken and agreed by them and the presumption is that they absconded and have not been seen or heard from since the execution of the contract.

FIFTH: That the said contract and agreement for the sale of the said property to the defendants is now recorded in Liber EGH 380, Folio 530, one of the land records of Frederick County Maryland as is fully shown by the certified copy filed herewith as Exhibit A.